

# EXHIBIT 33

Message

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**From:** Zeller, Leeland [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C31B8564FBE455DBA2EB1C796569975-ZELLER, LEE]  
**Sent:** 9/6/2018 12:15:40 PM  
**To:** Mallonee, Steve (smallonee@ncaa.org) [smallonee@ncaa.org]  
**Subject:** FW: Proposals

Steve,

Very interesting situation here. SEC wants to add a countable coach in baseball and in softball. They also want to eliminate the volunteer coach in those sports. Adding a countable coach is under the Council-governance process. In most cases, legislation related to volunteer coaches are autonomy provisions. However, if autonomy were to eliminate volunteer coach positions, then the "application to other conferences" standard would say that other conferences don't have to opt in. Obviously, not what the autonomy folks would want—a presumed disadvantage in not having the services of a volunteer coach while nonautonomy schools could have them.

It seems to me that we should treat both issues as Council-governance in this instance. My rationale is that eliminating the volunteer coach position is not consistent with the authority of the autonomy conferences to "permit the use of resources to advance the legitimate educational or athletics-related needs of student-athletes and for legislative changes that will otherwise enhance student-athlete well-being." Such a proposal does not do any of those things.

The specific area of "athletics personnel" relates to "definitions and limitations on athletics personnel and legislation to meet the support needs of student-athletes while properly managing the number of personnel directly or indirectly associated with a sport in a manner consistent with the need for competitive balance," I believe that reference relates to the authority to add personnel, but not in a way that would impact competitive balance. However, I don't think we have to address the specific area, because the concept does not meet the overall threshold requirement to be treated as autonomy legislation.

(As an aside, it strikes me that the "competitive balance" phrase is what we can rely on to say that autonomy can't add countable coaches. Adding countable coaches costs money and that would impact competitive balance.)

Give me a call when you have a chance.

Thanks,



**Leeland Zeller**

Director of Division I

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**From:** Matt Boyer <mboyer@sec.org>  
**Sent:** Wednesday, September 5, 2018 3:12 PM  
**To:** Zeller, Leeland <lzeller@ncaa.org>  
**Cc:** Rohlman, Anne <arohlman@ncaa.org>  
**Subject:** RE: Proposals

Leeland,

Procedural/jurisdiction question that I hadn't really thought of until now on the elimination of the volunteer coach in baseball/softball proposal. If that proposal is adopted by the Autonomy conferences, the resulting legislation in that

area will then be applicable throughout Division I, correct? In other words, if the Autonomy conferences vote to eliminate the volunteer, there will not be any resulting non-autonomy legislation that would still allow those conferences to use the services of a volunteer coach, correct?

Unified legislation is certainly our intent as we wouldn't want the end result to be that non-autonomy conferences could both employ an additional (4<sup>th</sup>) countable coach and utilize the services of a volunteer. That said, I can't really recall a situation that was similar from a procedural standpoint, so wanted to make sure our thinking was consistent there.

Obviously not time sensitive, just wanted to address while the thought was fresh.

Thanks,

Matt

**MATT BOYER**

*Assistant Commissioner*

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